# APPLICATION TO BOARD OF ADJUSTMENT < GENERAL VARIANCE/PARKING VARIANCE

Cl5-2011-0011 TP-0222070827 ROW-10536071

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST	STREET ADDRESS: 4504 Avenue F
BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.	LEGAL DESCRIPTION: Subdivision – Lot 18 Blk 3 Hyde Park Annex Lot(s) 18 Block 3 Outlot
	Division
	I/We Theodore Carlson and Tausha & Chris Carlson on behalf of myself/ourselves as authorized agent for 4504
Avenue F, Austin, TX 78751 before the Board of Adjustment	_affirm that on January 4, 2011 hereby apply for a hearing
(check appropriate items below	w)
ERECT ATTACH _	COMPLETEREMODELx_ MAINTAIN
<del>-</del>	lling unit to convert to a 2 family residence providing a 2.8

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any

district)

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

## **REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

When we purchased the unit in 2005, the structure was existing. The home was purchased in September of 2005, and the footprint has not changed during our ownership. The original portion of the back unit has been a dwelling since 1938 (not a garage conversion) (see the Sanborn Map Vol 3 page 312).

An addition to the rear structure was not permitted and is ~2.8 ft over the 5 ft set back line. Based on aerial maps (GIS footprints), the addition was done between 1987 and 1997. The best 'guess' is that it was built in 1990 when the previous owner pulled a permit for an electrical upgrade (15 years prior to ownership).

### **HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The structure was pre-existing. The back unit was occupied with tenants when the property was purchased and they just moved out in the summer of 2010. They lived in the home for 6+ years. We are just trying to maintain a structure that was there when it was purchased. Of course, if I was building it now, it would be built compliant with permits.

(b) The hardship is not general to the area in which the property is located because:

The property is located in an older area. The original dwelling was built closer to the property line from the 1938 construction. When the addition was done by the previous owners, they simply kept the same line and made the structure a little larger. We inherited this bad situation.

If you look at the attached survey, you can see that the property just north (4506 Avenue F) is VERY close to our property line. It appears common for the neighborhood.

# AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

It's existing — we did not add to it. Our best guess is that the addition was complete around 1990 (15 years prior to our ownership). The previous tenants were there before we purchased it in 2005 and they just moved out in the summer of 2010. We were tagged for a situation that is out of our control and it has caused undue hardship. We now have a property that has been vacant since this summer and do not have income coming in from a vacant unit.

We also have support of Hyde Park and the DRC to support 'any variance request to rectify the situation' and they 'do not think removal (or partial demolition) of the addition or attempts to moving the whole structure out of the setback is necessary..."

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

/	•
<u>n</u> /a	

2.		nce will not result in the parking or loading of vehicles on nanner as to interfere with the free flow of traffic of the
	n/a	
3.	0 0	ance will not create a safety hazard or any other condition etives of this Ordinance because:
	IVa	
4.	The variance will run with the site because:	n the use or uses to which it pertains and shall not run with
N	NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.	APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.  Signed  Mail Address: 4105 Medical Parkway, Ste 209, Austin, TX 78756  Printed: Tausha Carlson Phone: 512.653.1966  Date 1/4/2011
	WNERS CERTIFICATE — I true and correct to the best of	affirm that my statements contained in the complete application
Sig	gned	
Ma	ail Address: 1720 SE 72nd Av	venue, Portland, OR 97215
Pri	inted: Theodore Carlson	Phone: 231-824-6354
Da	ite: 1/4/2011	

!	
rva	
4. The variance will run with the site because:	the use or uses to which it pertains and shall not run with
n/a	
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.	APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.  Signed
OWNERS CERTIFICATE - 1	Date 1/4/2011 affirm that my statements contained in the complete application
are true and correct to the best of	f my knowledge and belief.
Signed Thurles. Cal	
Mail Address: 1720 SE 72nd A	
Printed: Theodore Carlson	Phone: 231-824-6354
Date: 1/4/2011	





# **BOARD OF ADJUSTMENTS**

CASE#: C15-2011-0011 LOCATION: 4504 AVENUE F GRID: K25, K26

MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



# **City of Austin BUILDING PERMIT**

PERMIT NO: 2010-085846-BP

Type: RESIDENTIAL

Final

4504 AVENUE F UNIT B

Issue Date: 10/12/2010

**EXPIRY DATE:** 

Status:

12/17/2010

LEGAL DESCRIPTION						SIT	E APP	ROVAL	ZONING SF-3-NCCD-NP
PROPOSED OCCUPANCY:	WORK PERMIT	TED: Remodel				ISSUE	D BY:	Angelica	a Yanez
Amnesty C/O for existing two family i sidesetback zoning requirments.	esidence (rear addition	not included with amne	esty) must apply fo	r a new addition	n permit a	and flood p	olain re	view also n	nust comply with
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROU	JP FLO	oors	UNITS	# OF PKG SPACES
Remodel: 510	Tot Val Rem:	\$100.00		435			1	1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	IS COVERAGE	% COVER	RAGE	# OF BA	THRO	OMS	METER SIZE
							2		5/8
Contact Owner, Tausha Carlson, 4504 AVEN	VUE F LLC	<u>Phone</u> (512) 653-1966	Contact  General Conte	ractor, Tausha (	Carlson, 4	1504 AVE	NUE F	rrc	Phone (512) 653-1966

Fee Desc

**Building Permit Fee** 

Amount Date

Fee Desc

<u>Amount</u>

<u>Date</u> Fee Desc Amount

<u>Date</u>

Fees Total:

23.00 10/12/2010 Initial Residential Review Fee

100.00 10/12/2010

<u>123.00</u>

### Inspection Requirements

**Building Inspection** 

All Buildings, Fences, Landscaping, Patios, Flatwork And Other Uses Or Obstructions Of A Drainage Easement Are Prohibited, Unless Expressly Permitted By A License Agreement Approved By COA Authorizing Use Of The Easement.

City Code Chapter 25-12, Article 13: A permit expires on the 181st day if the project has not scheduled nor received an inspection. A "Cancelled" and/or "Failed/No Work Performed" inspection result does not extend the expiration date.

The following permits are required as a separate permit: See Mechanical, Electrical, Plumbing permits for Related Fees and Inspections.

### Comments

property in the Flood Plain - Jay Baker was given the application for review.

North Hyde Park.

both structures are shown on Sanborn Map Vol 3 page 312 -1935

A side uncod deck not more than 3' above ground level can enroach 3 ft. into a required setback

TCAD - has been taxing both units since 1938.

Rear addn appears to be built approximately 90's a separate building permit would be required with the Amnesty C/O

Date

Reviewer

Residential Zoning Review

10/04/2010

Residential Zoning Reviewers

By Accepting Or Paying For This Permit You are Declaring That You Are The Owner Or Authorized By The Owner That The Data Submitted At The Time Of Application Was True Facts And That The Work Will Conform To The Plans And Specification Submitted Herewith.



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Issue Date: 10/12/2010 EXPIRY DATE: 12/17/2010

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PROPOSED OCCUPANCY:	WORK PERMIT	TED: Remodel				ISSUED BY:	Angelic	a Yanez
Amnesty C/O for existing two family re sidesetback zoning requirments.	sidence (rear addition	not included with amne	sty) must apply fo	r a new addition	permit ar	nd flood plain re	view also r	nust comply with
TOTAL SQFT	VALUATION		TYPE CONST.	USE CAT.	GROU	P FLOORS	UNITS	# OF PKG SPACES
Remodel: 510	Tot Val Rem:	\$100.00		435		1	1	
TOTAL BLDG. COVERAGE	% COVERAGE	TOTAL IMPERVIOU	IS COVERAGE	% COVER	AGE #	OF BATHRO	омѕ	METER SIZE
						2		5/8

Type	<u>Date</u>	Status	Comments	Inspector
100 Pre-Construction	11/12/2010	Pass		Carl Winn
101 Building Layout	12/17/2010	Pass		Carl Winn
102 Foundation		Open		Ed (Louis) Beasley
103 Framing		Open		Ed (Louis) Beasley
104 Insulation		Open		Ed (Louis) Beasley
105 Wallboard		Open		Ed (Louis) Beasley
109 TCO Occupancy		Open		Ed (Louis) Beasley
112 Final Building	12/17/2010	Pass		Carl Winn
114 Continuance of work		Open		Ed (Louis) Beasley
Deficiencies		Open		Ed (Louis) Beasley

# Walker, Susan

From: David Conner [daypaycon@yahoo.com]

Sent: Monday, January 17, 2011 9:37 PM

To: Walker, Susan

Subject: BOA variances for 4504 and 4709 Avenue F - North Hyde Park ( support )

Hello Susan,

The Hyde Park Development Review Committee has reviewed the variance requests for the following separate BOA cases to be heard in February and the DRC supports the variances being requested from the property owners:

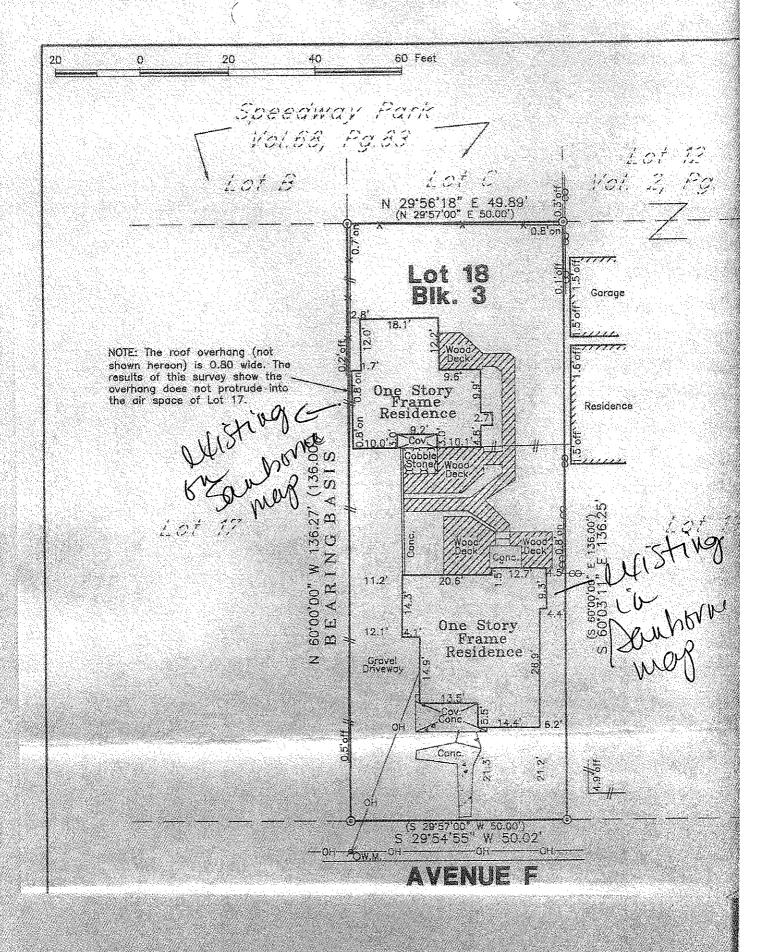
4504 Avenue F side yard set back 🖠

4709 Avenue F lot size and parking 60 feet from lot line

If you have any questions, please contact me at your convenience.

**Thanks** 

David Conner, HPNA Development Review Committee Chair



EDICATED TRAM OF REAL ESTATE PROFESSIONALS	Hometown Morrgage dba Integrity Ham. Morrgage Julie Henderson 805 Las Cinas Parkway, Ste. 320 Austh, Texas 78746 Phone (512) 458-6979 Fax (512) 458-8005	submission HYDE PARK ANNEX  ton 18 Records 3 volume 2 nice 130 plan records  column. TRAVIS state of texas street advisess 4504 AVENUE F  cons. AUSTIN reference was TED CARLSON and LINDA CARLSON	B&C Surveying, Inc. Victor M. Garza R.P.L.S. Victor M. Garza R.P.L.S. Office 512*458—8983 Fax bare 12*458—9845  Victor M. Garza R.P.L.S. Office 512*458—9845  I 404 West North Loop Blvd. Austin, Texas 78756  Austin, Texas 78756  DAMAGE, FOR FURTHER INFORMATION OF LICED BY SAID MAP AND DOES NOT ASSUME RESPONSIBILITY AS, TO ANY INFORMATION OF THE STRUCTURES THEREON WILL BE FIRE OF FLOOD DAMAGE, FOR FURTHER INFORMATION CONTACT YOUR FLOOD DAMAGE.	TO THE LIGHHOLDER AND 7 OR PRESENT OWNERS OF THE PREMISES SURFACED AND TO MOK. TRIA.  STEWART TITLE GLARANITY COMPANY  GLOWING STEWARD STEWART TO THOSE LISTED HEREON THAT THIS SURFY WAS THIS DAY  GLOWING STEWARD STRUMD. UNDER MY SUPERVISION OF THE TRIAL COMMITTAEN.  GESCHIBED HEREON IS PRICHARED IN ACCORDING THE TITLE COMMITTAEN.  JOHN FROM THE CONTLICTS. SURROACHIERTRY OF IN YONG MEDICE SOUNDARY LINE  SCALE 1"= 20"  CONTAINED WITHIN THE AFOREMENTONED TITLE COMMITTAEN.  JOHN FROM STRUMD MEDIC.  JOHN FROM STRUMD MEDI
YOUR D	Gracy Title Company Now Withelm 2901 Bee Cares Road Autin, Texas 78746 Phone (512) 328-3596 Fax (512) 328-0190	Subject to Restrictions as Stated in: Vol. 828, Pg. 567 and Per Plat in Vol. 2, Pg. 130.	LEGENID   Vici   Vici	BUILDING LINE SUBLIC UTILITY EASENENT DRAWING EASENENT E SUBTACE DESIMENT WATER/MASTENATER WATER/MASTENATER TECTRIC EASENENT SANITARY SENSER EASENENT RECORD INVORMATION POWER POLL DOMERHEAD UTILITIES

# ONE STOP SHOP 505 Barton Springs

Austin, Texas 78701 (512) 974-2632 phone (512) 974-9112 phone (512) 974-9779 fax (512) 974-9109 fax





# **Austin Energy**

Electric Service Planning Application (ESPA) For Residential and Commercial "SERVICE ONLY" Under 350 amps 1¢ or 225 amps 3¢

Check this box if this is for a building permit only.

(Please print or type. Fields left blank will be considered Not Applicable.)
Responsible Person for Service Request Tausha Carlson Phone 4531966
Email tausha atausha Carlson Com Fax 2335203
Project Name New Construction Remodeling
Project Address 4504 Avenue Unit B OR
Legal Description (st 18 B1 K 3 Hyde Park Block_
Requested Service Duration: Permanent Service Construction Power/Temp Service (Usually less than 24 months)  Who is your electrical service provider? AE Other
□Overhead or □ Underground Voltage □ Single-phase (1φ) or □ Three-phase (3φ)
Service Main Size(s)(amps) Number of Meters?
AE Service Length (ft.) Conductor (type & size)
SqFt Per Unit #Units All Electric Gas & Electric Other
Total AC Load (Tons) Largest AC unit (Tons)
LRA (Locked Rotor Amps) of Largest AC Unit (Amps)
Electric Heating (kW) Other (kW)
Comments: Rear Bedroom Add: ton
ESPA Completed by (Signature & Print name)  Date Phone
Approved: Yes No (Remarks on back)  AE Representative  Application expires 180 days after date of Approval  (Any change to the above information requires a new ESPA)  Approved: Yes No (Remarks on back)  Date  Application expires 180 days after date of Approval  (Any change to the above information requires a new ESPA)

Version 1.1.0.0

Operating-100736 top Form Ver.1.1.0.0 Eff,Date:03/02/10

All structures etc. must maintain 7'5" clearance from AE energized power lines. Enforced by AE & NESC codes. ULI 1 Z ZUN 285-215

JGM

This document when printed is uncontrolled and for reference

## Tausha Carlson

From: David Conner [daypaycon@yahoo.com]

Sent: Wednesday, September 22, 2010 5:57 AM

To: sylvia.benavidez@ci.austin.tx.us; susan.walker@ci.austin.tx.us; moses.rodriguez@ci.austin.tx.us

Cc: Tausha Carlson

Subject: Re: 4504 Avenue F - Hyde Park housing structures - clarifications to the case

Hello All,

I left off the fact that the area of the back house that is in the setback was an addition built most likely in the early 90's or so by a previous owner. Again, the DRC supports any variance request to rectify the situation and does not think removal (or patial demoltion) of the addition or attempts to moving the whole structure out of the setback is necessary and will be a hardship to the owner.

Once I hear from you, I can prepare a formal letter from the neighborhood.

Thanks again, David Conner HPNA

# --- On Tue, 9/21/10, David Conner <daypaycon@yahoo.com> wrote:

From: David Conner <daypaycon@yahoo.com>

Subject: 4504 Avenue F - Hyde Park housing structures

To: sylvia.benavidez@ci.austin.tx.us, susan.walker@ci.austin.tx.us,

moses.rodriguez@ci.austin.tx.us Cc: tausha@taushacarlson.com

Date: Tuesday, September 21, 2010, 10:07 PM

Hello Sylvia, Susan and Moses.

The owner of 4504 Avenue F came to the Hyde Park Development Review Committee concerning a code enforcement issue on her property at 4504 Avenue F in Hyde Park.

The current owner purchased the two houses on the property in 2005. The two houses were built in 1938 and each were properly permitted in 1938. One being the primary house facing Avenue F and then a small house in the back (ie. back house).

The current owner has not changed or plan to change the footprint of the back house. We understand the back house is 2.8 feet over the setback line which a code violation was recently issued.

We were told that Code Enforcement indicated that a possible remedy would be to demolish the 1938 back house or face stiff fines by December. However, a demolition of this structure which would be against the Hyde Park neighborhood plan which discourages the demolition of historic-type structures.

I am sure the Preservation Office nor the Historic Landmark Commission would agree that a set back issue would require a demolition of a house built in 1938 against the owner's wishes.

Page 2 of:

The DRC will support any variances necessary to remedy the situation. We understand the City Council will again allow NCCD variance requests to be heard at the Board of Adjustment.

Please let us and the owner know how to remedy this situation or if this was just a misunderstanding and everything will be rectified in the file.

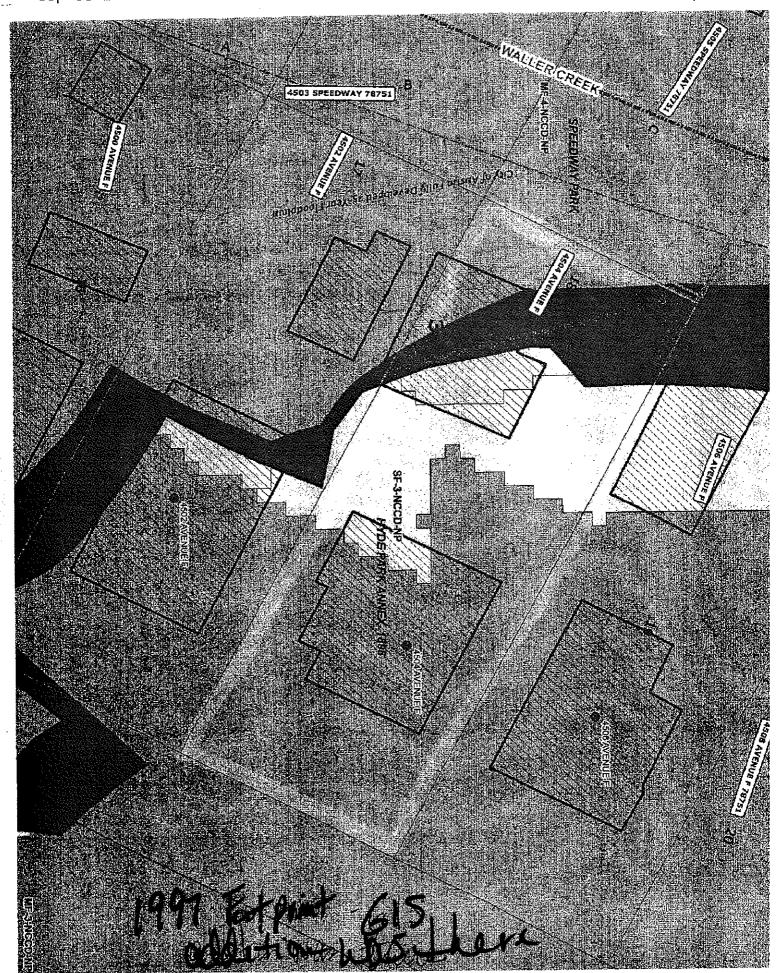
Sincerely, David Conner, Hyde Park Neighborhood Association President Chair of Development Review Committee

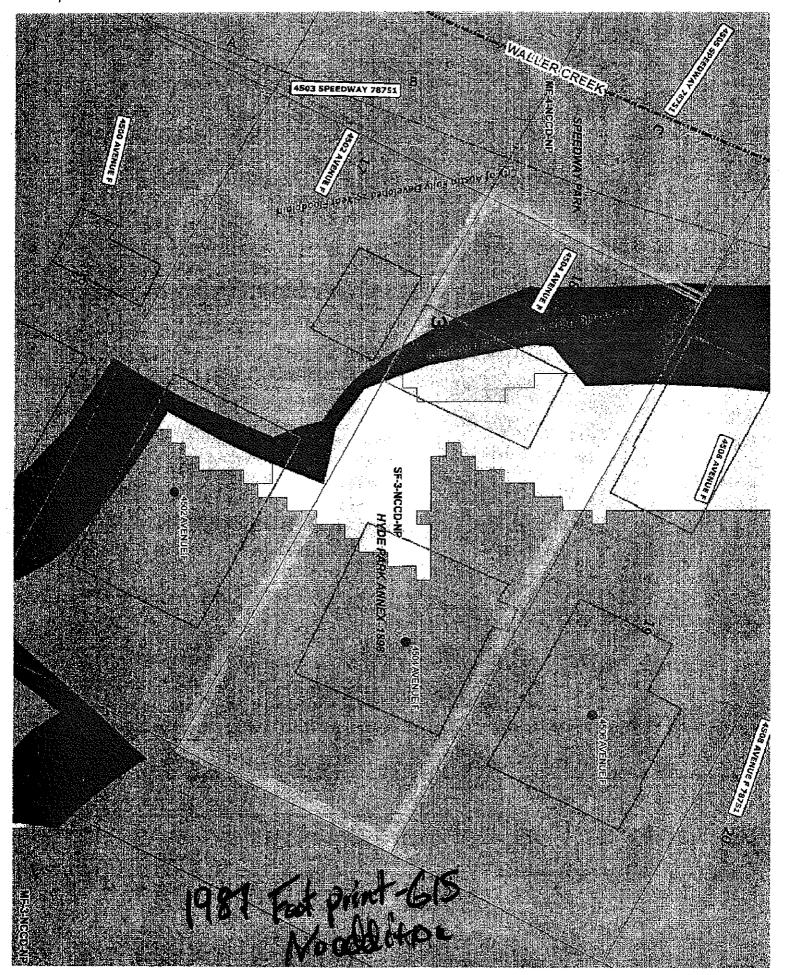
Oct 12 2010 6:34PM

Page 1 of 1

TravisCAD Detail	- Prop	_ID 220114
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kNetUSA: Travis C	ounty Property Information		9ri	operty ID Number: 220114	Rel 102 Millioer. 022	20 1002 100r
			Property Details			
owners Name 4504 AV	ENUE F LLC		Deed Date			
			Desd Volume			
Maling 5808 AVENU	進了		Deed Page			
AUSTIN, TX	78751-2034		Exemptions			
Location 4504 AVEN	JE F		схетирионо Ргаеде Ехептрі			F
Legal LOT 18 BLK	3 HYDE PARK ANNEX		ARB Protest	1		F
Edgar Latin						0
		2010 Preliminary	Agent Code			0.1588
slut Information			Land Acres			3
and Value	•	223,000.00	Black			18
nprovement Value		24,733.00	Tract or Lot			
G Value		0.00	Cocket No			506597
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QA.	TRAVIS CENTRAL APP DIST	0.00000	247,733.00		247,733.00	247,733.00
01	dei nitella	1.252000	247,733.00	247,783.00	247,733,00	247,733.00
02	CITY OF AUSTIN	0.420900	247,733.00	247,733.00	247,733.00	247,783.90
03	TRAVIS COUNTY	0.421500	247,733.00	247,733.00		247,733.00
2.1	TRAVIS CO HEALTHCARE DIST	0,087400	247,733.00	247,733,00	247,739.00	
68	AUSTIN COMM COLL DIST	0,094600	247,733.00	247,733.00	247,733.00	247,733.00
improvement Inform	ation					
	wement IO	State	Category	Description		
	190953		A1		1 FAM DWELLING	
	646592		A1		1 FAM DWELLING	
Segment Information						
Imp ID	Seg ID	Type Code	Description	Cjase i	effective Year Built	Area
180863	210413	157	1 st Floor	WW3+	1938	87
	859702	011	PORCH OPEN 1ST F	494	1938	7
180959	858704	096	HVAC RESIDENTIAL	**	1936	87
180953	859705	251	BATHROOM	+=	1936	
180953	4103377	512	DECK UNCOVRED	*8+	2006	11
180953	4103377	011	PORCH OPEN 1ST F	<b>*3+</b>	2006	6
180853		IST	1st Floor	WW/3	1938	31
646592	4109379	041	BARAGE ATT 1ST F	WW3	1938	17
646592	4103380	251	BATHROOM	*3	1938	
646592	4103381	011 .	PORCH OPEN 1ST F	*3	1638	\$
\$465 <u>\$2</u>	4103382	uii .	range, at the fort		Total Living	Area 1,18
Land Information						
Land ID	Type Code	SPTE Cods	Homesite	Size-Acres	Front Depth	Size-Sq
217291	LAND	A1	T	0.167	0 0	6,83
- Actel model						





Tausha Carlson [tausha@taushacarlson.com] Monday, January 31, 2011 7:48 AM From: Sent:

Benavidez, Sylvia; Walker, Susan ë

4504 Avenue F Subject:

Importance: High

The total uncovered deck space is 380.75 sq ft. For the purpose of the application, it's divided by 2 for the coverage it is 190.375 sq ft.

Please add this to our permit application, and let me know if you need anything else from my end.

Thanks,

# Tausha Carlson, Broker I Owner

2008 & 2009 Top 5 Real Estate Agent **Marathon Real Estate** 

Certified Negotiating Expert -Austin Business Journal

Green Designation Direct # 512.653.1966

www.Marathon-RE.com Fax # 512.233.5203

<u> Fausha@TaushaCarlson.com</u>

Parkway Office Building 4105 Medical Parkway, Ste 209 **Marathon Real Estate** Austin, TX 78756 Your referrals are the highest compliment that you can give me. Thanks for trusting in my service.

From